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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2010-68262

**PERRY GORDON, P.T.
1327 Hillcrest
San Jose, CA 95120**

A C C U S A T I O N

PT #33927

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about August 17, 2007, the Physical Therapy Board of California (õBoardö) issued Physical Therapy License #33927 to Perry Gordon (Respondent). The license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2010, unless renewed.

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JURISDICTION

brought before the Board under the authority of the following

laws. All section references are to the Business and Professions Code (õCodeö) unless otherwise indicated.

A. Section 2609 provides that the board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

B. Section 2660 of the Code provides, in relevant part, that the Board may suspend for not more than 12 months or revoke, or impose probationary conditions upon any license, certificate, or approval, issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

(i) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.ö

C. Section 2305 of the Code states:

õThe revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.ö

D. Section 141 of the Code provides:

"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state,



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3 "(b) Nothing in this section shall preclude a board from applying a specific statutory
4 provision in the licensing act administered by the board that provides for discipline based upon a
5 disciplinary action taken against the licensee by another state, an agency of the federal
6 government, or another country."

7 E. Section 125.3 of the Code states , in pertinent part, that the Board may request
8 the administrative law judge to direct a licensee found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

4. Respondent is subject to discipline within the meaning of sections 141 and 2305 of the Code as more particularly set forth herein below.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

5. On or about June 17, 2008, the State of Washington Department of Health Board of Physical Therapy (hereinafter "Washington Physical Therapy Board") issued Findings of Fact, Conclusions of Law and Final Order of Default (Failure to Respond) (hereinafter "Order") against Respondent's physical therapy license. The Order indefinitely suspended Respondent's physical therapy license. The above action was taken against Respondent after he failed to respond to charges alleging that he tested positive for cocaine during a pre-employment drug screening on or about January 24, 2007. A true and correct copy of the Order issued by the Washington Physical Therapy Board is incorporated herein as Exhibit A.

6. The above action by the Washington Physical Therapy Board regarding respondent's
license to practice in Washington, as set forth above, constitutes cause for disciplinary action
within the meaning of section 141 of the Code and/or 2305 (by and through section 2660 (i)) of
the Code. Therefore, cause for discipline exists.

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PRAYER

ant requests that a hearing be held on the matters herein alleged

and that, following the hearing, the Board issue a decision:

1. Revoking or suspending Physical Therapy License #33927 issued to Respondent, Perry M.Gordon;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as the Board deems necessary and proper.

DATED: July 8, 2010

Original Signed By:

STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

Exhibit A: Order of the Washington Physical Therapy Board